IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 370 (S/B) 2003

Bhuwan Chandra Pandey
S/o Late Shri J.N.Pandey,
R/o Deputy Director,
Factories/Boilers,
Haldwani,
Distt. Nainital ..... Petitioner

Versus

State of Uttaranchal,
And others. ..... Respondent

Mr. S.N. Babulkar, Advocate, for the petitioner.
Mr. K.P.Upadhyaya, Advocate for the State.
Mrs. Beena Pande, Standing Counsel Government of U.P.

Coram: **Hon. S.H.Kapadia, C.J.**
Hon. Rajesh Tandon, J.

Dated: 08.09.2003:

PC:

Rule.

Respondents waive service.

The petitioner was appointed as Inspector of Factories on 13.01.1972. That post was re-designated as Assistant Director in 1984. The petitioner was promoted as Deputy Director of Factories in the year 1989. On 14.12.2001, State of Uttaranchal addressed a letter to the Secretary Labour Department U.P. asking the U.P. Government to relieve the petitioner in favour of the Uttaranchal. Accordingly, a relieving order was addressed by U.P. Government to Uttaranchal Government on 14.1.2002. By that order, even the petitioner's lien to the post in U.P. stood terminated. Consequently, the petitioner joined as Deputy Director Factories and Boilers at Dehradun on 11.1.2002. On 1.5.2003, he applied for the voluntary retirement w.e.f. 31.0-7/2003. On 4.6.2003, the State of Uttaranchal passed the impugned oreder stating that his V.R.S. application cannot be granted by the State of Uttranchal because Government of India has not made final allocation. Surprisingly by the said letter, the services of the petitioner were also terminated w.e.f. 1.8.2003. That order has been stayed by the earlier Bench of this Court. State of Uttarahchal was asked to reconsider the matter. The

State of Uttaranchal has referred the matter to the State of U.P., which has now passed the impugned order dated 13.7.2003 stating that they are accepting the application of the petitioner. The petitioner has not received the benefits under the voluntary retirement scheme till date. The petitioner has challenged that order dated 31.7.2003 addressed by the State of U.P. granting V.R.S. to the petitioner. It is the case of the petitioner that the petitioner has been taken and absorbed by the State of Uttaranchal. His lien to the post in the State of U.P. has been terminated. The petitioner has worked as Deputy Director of Factories and Boiler in the State of Uttaranchal and, therefore, it is the State of Uttaranchal who shall grant V.R.S. to the petitioner subject to his fulfilling the terms and conditions.

In this Court, we have found large number of matters where the employees of this State are made to run from pillar to post. We do not know under what powers the V.R.S. application has been referred by the State of Uttaranchal to the State of U.P., particularly when the State of Uttaranchal has taken over the services of the petitioner from the State of U.P. and even when the lien of the petitioner to the above post in U.P., was cancelled. Till date, the U.P. Government has not paid V.R.S. benefits to the petitioner. In the circumstances, we hereby direct the State of Uttaranchal i.e. respondent no.1 to 3 to grant to the petitioner his V.R.S. benefits and retirement dues on the basis of his application for voluntary retirement dated 1.5.2003 within a period of eight weeks from today.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

AK.